

Remarks/Arguments

I. **Status of Claims**

Claims 5, 9, 11, 13, 15-16, 18, 20, 25 and 26 are currently pending, with claims 1-4, 17 and 21 withdrawn from consideration as drawn to a non-elected invention. Claims 6-8, 10, 12, 14, 19, and 22-24 have previously been canceled. Claims 5, 13, 15, 18, 20, 25 and 26 have been amended merely to address formal grammatical matters and not for reasons related to patentability.

II. **Claim Rejections under 35 U.S.C. 103**

All the pending claims are rejected as obvious over U.S. Patent 6,017,729 to Anderson et al. ("Anderson") in view of either Fischer (New England J. Medicine, 333:1456-1461, 1995) or Mayer (Clinical Investigations 112:954-959, 1997).

In response, Applicants have amended the priority claim in the application to claim priority to the U.S. application that issued as the Anderson patent, i.e., U.S. Application No. 08/996,139, as well as the three provisional applications to which the Anderson patent claims benefit. This amendment to the priority claim can be made without filing a petition because the application was filed before November 29, 2000 (see, e.g., MPEP 201.11) and is consistent with the requirements of U.S.C. 120 (see also MPEP 201.11). A request for corrected filing receipt will be submitted under separate cover to reflect the change to the priority claim.

In view of this amendment to the priority claim, Anderson is no longer available as prior art. Accordingly, it is submitted that the rejection of the claims under 35 U.S.C. 103 should be withdrawn.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at (206) 265-7858.

Respectfully submitted,



Scott L. Ausenhus
Attorney/Agent for Applicant
Registration No.: 42,271
Phone: (206) 265-7858
Date: August 5, 2005

AMGEN INC.
Law Department
1201 Amgen Court West
Seattle, Washington 98119-3105
Fax (206) 233-0644